

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: CERTAINTEED CORPORATION : MDL DOCKET NO. 1817  
ROOFING SHINGLES PRODUCTS :  
LIABILITY LITIGATION :

This relates to:

ALL CASES

**AFFIDAVIT OF MATTHEW P. HANSON IN SUPPORT OF MOTION FOR PRELIMINARY  
APPROVAL OF PROPOSED CERTAINTEED CLASS SETTLEMENT, CERTIFICATION OF  
SETTLEMENT CLASS, AND APPROVAL OF NOTICE PLAN**

STATE OF MINNESOTA )  
 )ss.  
COUNTY OF DAKOTA )

I, MATTHEW P. HANSON, being first duly sworn, hereby depose and state:

1. I am the Vice President of CAC Services Group, LLC ("CAC"), located at 1551 Southcross Drive West, Burnsville, MN. My telephone number is (952) 224-2195. I am over 21 years of age and I am not a party to the above captioned action. I have personal knowledge of the facts set forth herein and, if called as a witness, can testify thereto.

2. CAC provides a comprehensive range of class action claims administration services. CAC has extensive experience in data processing and in acting as a third-party administrator in class action settlements throughout the country.

3. CAC's class action administration services include: the design and implementation of class action settlement notification programs to reach unidentified putative class members primarily in consumer litigation; coordination of all notice requirements; design of direct-mail notice; publication of summary notice; e-mailing notice packets and claim forms; coordination with the U.S. Postal Service on direct-mail notification; database management; website hosting and management; claims processing;

1 and preparation of reports describing notice programs and claims processing.

2 4. CAC has developed and directed national settlement notification programs throughout the  
3 United States. The scope of CAC's work includes notification programs in more than 55 class action  
4 cases involving antitrust, consumer fraud, employment and securities claims. A List of CAC's Previous  
5 Case Experience is attached as Exhibit 1.

6 5. I have personally been involved in developing, designing, and implementing all aspects  
7 of settlement notification programs with CAC Services Group for over five years. I have designed and  
8 implemented class action settlement notification programs to reach both known and unknown class  
9 members for approximately forty-eight class action settlements.  
10

11 6. Here, CAC was retained in connection with *In Re: CertainTeed Corporation Roofing*  
12 *Shingles Products Liability Litigation*, MDL No. 1817, to design and implement the proposed class  
13 action settlement notice program ("the Notice Program"). I submit this affidavit to describe the  
14 elements of the Notice Program. A comprehensive description of the Notice Program and a proposed  
15 Notice Program Schedule are attached hereto as Exhibits 2 and 3 respectively.

16 7. This affidavit is based upon my personal knowledge and upon information provided to  
17 me by CertainTeed Corporation's counsel, my associates, and my staff. The information is of a type  
18 reasonably relied upon in the fields of advertising, media, and communications.  
19

#### 20 **Proposed Notice Program**

21 8. The objective of the Notice Program is to provide notice, consistent with the  
22 requirements of due process, of the proposed settlement of *In Re: CertainTeed Corporation Roofing*  
23 *Shingles Products Liability Litigation* to the members of a class defined as follows:

24 All individuals and entities that own, as of December 15, 2009, homes,  
25 residences, buildings, or other structures located in the United States or  
26 Canada whose roofs contain or contained roofing shingles made with a  
27 felt reinforcement base material that is saturated with asphalt, also known  
28 as organic roofing shingles, manufactured by CertainTeed after July 1,  
1987; all individuals and entities who previously owned such a building  
and who, prior to December 15, 2009, sold or transferred the building and  
at the time of the sale or transfer retained the right to make a claim for the

shingles pursuant to a valid documented assignment; and all individuals and entities who owned such a building and who, between August 1, 2006, and the effective date of the settlement, have settled or settle their warranty claims for such shingles.

9. The Notice Program is a four-part settlement notification program which includes the following:

- ❖ Direct notice by first-class mail to:
  - All class members whose names and addresses are readily identifiable;
  - All callers to the toll-free information line who request a notice packet as a result of seeing the publication notice.
- ❖ Broad published notice through the use of paid media, including newspaper supplements, cable and local television broadcasts, internet advertising, and trade journals.
- ❖ Earned media notice through a press release sent to major U.S. and Canadian print and electronic outlets and third-party organizations.
- ❖ Electronic notice through a dedicated website.

10. Direct mail notice will consist of mailing the *Notices of Proposed Class Action Settlement* ("the Notices") to potential class members to inform them of their rights and how they may participate in the class action. The direct mail notice will consist, depending on the identity of the recipient, of a long form notice and a standard claim form substantially in the form of attached Exhibits H and B or a long form notice and an abbreviated claim form substantially in the form of Exhibits I and C (for the sake of consistency, the letters of the exhibits in this Affidavit correspond to the exhibits attached to the settlement agreement).

11. This direct mail notice will be sent to:

- a. approximately 45,000 of CertainTeed Corporation's warranty claimants who are potentially class members;
- b. 1,000 building owners who have contacted CertainTeed or class counsel during the pendency of the litigation;
- c. 2,405 condominium, townhouse and housing associations throughout the United States;
- d. 4,646 single family home construction companies and U.S. roofing and siding

1 companies, whose names and addresses are readily available;

2 d. all callers to the toll-free information line who request the Notices. The toll-free  
3 number for this information line will appear prominently in the published forms  
4 of notice and on the internet and television advertisements. Class members may  
5 also download the Notices in PDF format from the case website.

6 12. To design the paid media segment of the Notice Program, CAC identified demographics  
7 that encompass the characteristics of the class. Media vehicles were then analyzed and selected for their  
8 strength and efficiency in reaching these demographic targets.

9 13. Specifically, to develop profiles of the demographics and media habits of class members,  
10 CAC analyzed syndicated data available from the 2009 Doublebase Survey, conducted by MediaMark  
11 Research, Inc. ("MRI"). MRI is a nationally accredited media and marketing research firm that  
12 provides syndicated data on audience size, composition, and other relevant factors pertaining to major  
13 media, including broadcast, magazines, newspapers, and outdoor advertising. MRI provides a single-  
14 source measurement of major media, products, services, and in-depth consumer demographic and  
15 lifestyle/psychographic characteristics. Each year MRI produces a survey called the Doublebase  
16 Survey.<sup>1</sup>

17 12. MRI also provides specific data on individuals who are homeowners. Based on this  
18 information, a demographic target for the media portion of the Notice Program was selected.  
19 Specifically, the media plan is based on reaching the following demographic target: adults, age 18+,  
20 who are homeowners. All media purchased for the Notice Program will be measured against this  
21 demographic target.

22 13. The media portion of the Notice Program, includes notice advertisements in newspaper  
23 supplements, trade publications, television and internet.<sup>2</sup>

25 <sup>1</sup> The Doublebase Survey is a study of 50,000 + adults consisting of two full years of data. The MRI sample consists of  
26 26,000 + respondents. Fieldwork is done in two waves per year, each lasting six months and consisting of 13,000 interviews.  
27 At the end of the interview, the fieldworker presents a self-administered questionnaire that measures approximately 500  
28 product/service categories, 6,000 brands, and various lifestyle activities. Resulting data is weighted to reflect the  
probabilities of selection inherent in the sample design and then balanced so that major study demographics match the most  
recent independent estimates.

<sup>2</sup> It should be noted that trade publications will supplement other forms of notice, but they are not measured by MRI and  
therefore are not included in the reach and frequency calculations.

1           14. The notice advertisements in the newspaper supplements will be inserted into 136  
2 newspapers reaching every major media market in the regionally targeted geographic area. The  
3 Regionally Targeted Area is defined as the nine states encompassing approximately 94% of  
4 CertainTeed's total U.S. and Canadian organic shingle sales ("the Regionally Targeted Area"). The nine  
5 states that make up the Regionally Targeted Area are: Michigan; Indiana; Illinois; Nebraska; Minnesota;  
6 Wisconsin; North Dakota; South Dakota; and Iowa. The notice advertisement will consist of a 2/5's  
7 page size advertisement inserted three times into Parade Magazine, which is circulated to 6.4 million  
8 households in the Regionally Targeted Area. The print advertisement will be substantially in the form  
9 of attached Exhibit E.

10           15. The television advertisement portion of the media plan will include the following:

- 11           a. 60 second spot advertisements on thirteen different cable networks in the U.S. Heavy  
12 Sales Region 1, which as explained in the Notice Program includes Michigan,  
13 Indiana, Illinois, Nebraska, Minnesota and Wisconsin. There will be a total of  
14 twenty-five advertisements per week per cable network for 5 weeks, equaling 125  
15 total advertisements per cable network;
- 16           b. 60 second spot advertisements on the three major television networks (ABC, CBS,  
17 NBC) will be aired in the U.S. Heavy Sales Region 2, which as explained in the  
18 Notice Program includes North Dakota, South Dakota and Iowa, since cable  
19 television is not predominately available in this area. There will be a total of 104  
20 advertisements per week per network, for five weeks, equaling 520 total  
21 advertisements per network;
- 22           c. 60 second spot advertisements on four different cable networks (The Weather  
23 Channel, Fox News Channel, HGTV Channel, ESPN2) directed at the U.S. national  
24 audience, with ten advertisements per week for one week, for a total of ten  
25 advertisements per cable network;
- 26           d. 60 second spot advertisements on three different cable networks directed at the  
27 Canadian target audience. There will be 35 total advertisements across all 3 cable  
28 networks aired over a one week period (HGTV – 10; FOOD Network – 10; CMT –

1 15 advertisements).

2 The television advertisements will consist of a voice-over script substantially in the form of attached  
3 Exhibit F.

4 16. The internet advertising portion of the media plan will include the following:

5 a. paid advertising on the internet search engines Google, Yahoo and Bing. The notice  
6 advertisements will appear when the user completes an internet search that is  
7 topically related to the product, litigation, or settlement. Three million advertisement  
8 impressions are estimated to result from the internet advertisements. The internet  
9 advertisement will consist of an advertisement substantially in the form of attached  
10 Exhibit G.

11 b. a posting of the summary notice will also appear on TopClassActions.com. This  
12 posting is estimated to result in 40,000 page views of the summary notice; and

13 c. a classified on-line only advertisement will be placed once in the *National Roofing*  
14 *Contractors Association*, which has an estimated circulation of 230,000 user sessions  
15 per month.

16 17. The Notice Program will include the following insertions in trade journal publications  
17 directed to members of the roofing industry, U.S. and Canadian roofing contractors, architects, property  
18 owners and managers, new home builders and professional renovators:

19 a. a full page display advertisement will be placed once in the *Qualified Remodeler*,  
20 which has an estimated circulation of 81,500;

21 b. a full page display advertisement will be placed once in the *Roofing Contractor*,  
22 which has an estimated circulation of 27,000;

23 c. a full page display advertisement will be placed once in *The Building*, which has an  
24 estimated circulation of 30,000. *The Building* is Canada's number one building  
25 magazine, and it reaches architects, contractors, property owners and property  
26 managers;

27 d. a full page display advertisement will be placed once in the *Home Builder*, which has  
28 an estimated circulation of 76,000. *Home Builder* is Canada's number one magazine

1 for new home builders and professional renovators.

2 The Trade Journal advertisements will be substantially in the form of attached Exhibit E.

3  
4 18. For the purpose of evaluating the strength and efficiency of the chosen media, each media  
5 vehicle -- the newspaper supplements, the television and the internet -- was measured against the  
6 demographic target to establish the estimated *reach*<sup>3</sup> of the media program and the estimated *frequency*<sup>4</sup>  
7 of exposure to the media vehicles. The following are the reach and frequency estimates:

- 8 a. an estimated 96.38% of the target audience (adult homeowners) located in the U.S.  
9 and Canada will be reached with an average estimated frequency of 56 times,  
10 delivering a possible 10,280,414,605 gross advertisement impressions (opportunity to  
11 see);  
12 b. in U.S. Heavy Sales Regions 1 and 2, where approximately 94% of all CertainTeed  
13 Corporation's organic shingles were sold, an estimated 97.17% of the target audience  
14 will be reached with an average estimated frequency of 321 times, delivering a  
15 possible 8,349,810, 859 gross advertisement impressions.

16 19. The Notice Program will also include earned media to augment the paid media plan. This  
17 will consist of a press release that will be distributed on the U.S. and Canadian newswire's full national  
18 circuit, which reaches over 2,000 media outlets. The press release will highlight the toll-free telephone  
19 number and website address that the class members can call or visit for complete information. The press  
20 release will be substantially in the form of attached Exhibit J.

21 20. A settlement website will be established that will contain the Settlement Agreement, both  
22 the long form notices and claim forms, as well as, other information about the Settlement Agreement.  
23 The website will be listed with major search engines to enable class members to get information on the  
24 proposed settlement.

25 21. All print and television advertising will include the toll-free telephone number, the  
26 settlement website address, and a mailing address for potential class members to request or access the  
27 Notices and claim forms. The Notices and all notice advertisements are plain language compliant, as

28 <sup>3</sup> Reach is the estimated percentage of a target audience reached through a specific media vehicle or combination of media vehicles.

<sup>4</sup> Frequency is the estimated average number of times an audience is exposed to an advertising vehicle carrying the message.



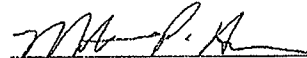
1 required by Rule 23 of the Federal Rules of Civil Procedure.

2 22. Based on my experience with prior consumer litigation class notice programs, I believe  
3 this Notice Program is comparable to other successful programs approved by Courts in such actions.

4 23. It is my opinion that the Notice Program will provide the best notice practicable under the  
5 circumstances of this case and conforms to all aspects of Federal Rule of Civil Procedure 23. Moreover,  
6 the reach of our target audiences and the number of exposure opportunities to the notice information is  
7 more than adequate and reasonable under the circumstances. Further the Notice Program conforms to  
8 standards employed by CAC in notification programs designed to reach unidentified members of  
9 settlement groups or classes.

10 I declare under penalty of perjury that the foregoing is true and accurate to the best of my  
11 knowledge. If called as a witness, I could and would competently testify thereto.

12  
13 Executed this 17 day of December, 2009, at Burnsville, Minnesota.

14   
15 Matthew P. Hanson

16  
17 Sworn to and subscribed before me this 17<sup>th</sup> day of December, 2009 by Matthew P.  
18 Hanson, who is personally known to me.

19   
20 NOTARY PUBLIC, STATE OF MINNESOTA



# **EXHIBIT 1**



### Partial List of Executive Staff's Claims Administration Experience

#### Employment / Wage & Hour

- ▶ *Amaro v Ritz-Carlton*  
Superior Ct CA, Cty of Los Angeles, Cent Civ W
- ▶ *Hernandez v. Tyco International*  
Superior Ct CA, Cty of Los Angeles, Cent Civ W
- ▶ *Andrade v Dollar Tree Stores, Inc.*  
Orange Cty, Superior Ct, CA
- ▶ *Navarro v Pacifica Hosts, Inc*  
Superior Ct CA, Cty of Los Angeles, Cent Civ W
- ▶ *Soto v. Westin LAX*  
Superior Ct CA, Cty of Los Angeles, Central Dist
- ▶ *De La Rosa v ICC Inc*  
Los Angeles Cty, Superior Ct, CA

#### Securities

- ▶ *American Adjustable Rate Term Trust Securities Litigation*  
D MN 4th Div
- ▶ *Ancor Communications, Inc Securities Litigation*  
D MN
- ▶ *Hennepin County 1986 Recycling Bond Litigation*  
MN 4th Jud Dist
- ▶ *IMSG Stockholder Litigation*
- ▶ *Citi-Equity Group, Inc. Securities Litigation*  
D MN 3rd Div
- ▶ *Karl E. Brogen & Paul R. Havig, et al. v. Carl Pohlrad, et al. MEI Diversified, Inc. Securities*
- ▶ *Encore Computer Corp. Shareholders Litigation*  
D MN 3rd Div

#### Consumer

- ▶ *Anderson v Federal Cartridge Company*  
D Murfreesboro, TN
- ▶ *Wiencke v Metropolitan Airports Commission*  
MN 4<sup>th</sup> Jud Dist Ct Hennepin County
- ▶ *Patrick Mitchell and Kerry Mitchell et al. v. Chicago Title Ins Co*  
MN 4<sup>th</sup> Jud Dist Ct Hennepin County
- ▶ *Christopher P. Schermer, et al. v. State Farm Fire & Casualty Co*  
MN 4<sup>th</sup> Jud Dist Ct Hennepin County
- ▶ *Janelle Peters v. Addus Healthcare, Inc.*  
Multnomah Cty Cir Ct St of Oregon
- ▶ *Earline Richard, et al. v. Acadian Ambulance Service, Inc.,*  
LA 16<sup>th</sup> Judicial Dist Ct for the Parish of St Mary
- ▶ *Alan Freberg, et al. v. Merrill Corporation, et al.*  
MN 4th Jud Dist
- ▶ *Anthony Talalai, et al. v. Cooper Tire & Rubber Co.*  
Superior Court of NJ Middlesex Cty Law Div
- ▶ *Frankie Kurvers, et al. v. National Computer Systems,*  
St of MN Hennepin Cty Dist Court
- ▶ *Irene Milkman v. American Travelers Life Ins. Co. & Conseco Senior Health Ins. Co.*
- ▶ *Michael Drogin and Hamilton Stone Inc., et al. v. General Electric Capital Auto Financial Services, Inc.*  
SC NY County of NY
- ▶ *Harold Hanson, et al. v. Acceleration Life Insurance Co, et al.*
- ▶ *Vichreva v. Cabot Corp et al., (Carbon Black)*  
Miami-Dade Cty, FL
- ▶ *High Carbon Concrete Litigation*  
MN 4th Jud Dist
- ▶ *U.S. Bank National Association Litigation*  
D MN
- ▶ *James Ralston, et al. v. Chrysler Credit Corporation, et al.*  
Lucas Cty OH
- ▶ *James M. Wallace, III, et al. v. American Agrisurance, Inc., et al.*  
E D AR
- ▶ *Joel E. Zawikowski v. Beneficial National Bank, et al. RAL Lit*  
N Dist IL
- ▶ *Kenneth Toner v. Cadet Manufacturing Co.*  
Superior Ct St of WA Cty of King
- ▶ *Kiefer, et al. v. Ceridian Corporation, et al.*  
D MN
- ▶ *Melissa Castille Dodge v. Phillips College of New Orleans, Inc.*  
E Dist LA
- ▶ *Sonia Gonzalez, et al. v. Rooms to Go, Inc., et al.*  
S D FL Miami Div
- ▶ *Todd Tompkins, Doug Daug & Timothy Nelson v. BASF Corp, et al.*  
NEC D ND
- ▶ *Whitworth v. Nationwide Mutual Ins. Co. and CCC Info Services, Inc.*  
Franklin Cty OH
- ▶ *Gary J. Milner, et al. v. Farmers Insurance Exchange, et al.*
- ▶ *Peterson v Progressive Corp*  
Cuyahoga Cty, OH

Page 2

**Government Agencies**

- |  |   |
|--|---|
| ▶ <i>EEOC v. SPS Temporaries, Inc.</i><br>US Dist Ct Western Dist of NY                              | ▶ <i>EEOC v Preferred Labor</i><br>Civil Action No 06-40190 (District of Massachusetts) |
| ▶ <i>Federal Trade Commission v. AmeraPress, Inc.</i><br>N Dist TX Fort Worth Div                    | ▶ <i>Federal Trade Commission v. Enforma Natural Products, Inc.</i><br>C D CA           |
| ▶ <i>Federal Trade Commission v. Christopher Enterprises, Inc.</i><br>US Dist Ct of Utah Central Div | ▶ <i>Federal Trade Commission v. Granite Mortgage, LLC</i><br>E D KY                    |
| ▶ <i>Federal Trade Commission v. Minuteman Press Int'l</i><br>E D NY                                 | ▶ <i>Federal Trade Commission v. iMall, Inc. et al.</i><br>C D CA                       |
| ▶ <i>Federal Trade Commission v. National Credit Management Group</i><br>D NJ                        | ▶ <i>Federal Trade Commission v. Jewelway International, Inc.</i><br>D AZ               |
| ▶ <i>Federal Trade Commission v. Pace Corporation</i><br>N D IL                                      | ▶ <i>Federal Trade Commission v. The Crescent Publishing Group</i>                      |

**TCPA / Junk Fax**

- |   |  |
|---|--|
| ▶ <i>GM Sign v Santana Equipment Trading Co</i><br>19th Judicial Circuit, Lake County, IL | ▶ <i>State Farm v Federal Schedules</i><br>Circuit Court of Cook County, Chicago, IL |
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**Anti-trust**

- |  |   |
|--|---|
| ▶ <i>Bromine Antitrust Litigation</i><br>MDL Docket No 1310 JP 99-9310-C-B/S | ▶ <i>Industrial Silicon Antitrust Litigation</i><br>W Dist PA |
|--|---|

# **EXHIBIT 2**



**CAC SERVICES**  
GROUP, LLC

Class Action Consultants

*We'll take it from here.*

# **CertainTeed Settlement Notice Program**

**IN RE: CERTAINTEED CORPORATION ROOFING SHINGLES  
PRODUCTS LIABILITY LITIGATION**

**MDL DOCKET NO. 1817**

## **Table of Contents**

Firm Overview.....	Page 3
Technical Approach.....	Page 4
Class Definition.....	Page 5
Notice Plan Overview.....	Page 6
Direct Notice.....	Page 7
Development of Paid Media.....	Page 8
Target Audience.....	Page 9
Demographics.....	Page 10
Paid Media Program Details.....	Page 11
Effectiveness of Paid Media.....	Page 13
Newspaper Supplement.....	Page 13
Cable Television.....	Page 14
Local Television.....	Page 20
Internet Advertising.....	Page 21
Trade Publications.....	Page 23
Readership/Viewership.....	Page 25
Media Delivery.....	Page 27
Notice Design.....	Page 29
Earned Media.....	Page 30
Web Site Information.....	Page 31
Telephone Support.....	Page 32



## **Firm Overview**

CAC Services Group is a full-service firm, providing a comprehensive range of notification and claims administration services to the class action segment of the legal services community.

The CAC executive team draws on the talents and resources of legal, financial and information technology specialists with class action experience in areas such as employment, product liability, anti-trust, securities, mass tort and bankruptcy. Members of CAC's professional staff have managed claims administration cases involving the distribution of over \$400 million and mailings to more than 30 million class members.

Additionally, CAC has formed strategic alliances with affiliate companies aligning their core competencies with ours. The result allows us to take advantage of on-site print media design services, nationwide media placement and mass marketing services, access to preferred media and marketing rates and scheduling, and state-of-the-art data management technology.

### **Our Notification Services include:**

#### **Direct Mail:**

- Design of notices and claim forms using plain, easily understood language
- Printing and mailing of notices and claim forms up to 3 million pieces daily
- Address searches & updates used to create an accurate database prior to mailing

#### **Media Campaign:**

- Demographically target unknown class members using media sources with a quantifiable reach and frequency
- Access to a Cost-Effective Media including Print, Radio, Television, Internet and Non-Conventional Media
- Design, Placement and Coordination of Creative Instructions with Media Vendors

#### **24/7 Call Center:**

- Live Telephone Support
- Interactive Voice Response (IVR) System
- Call Activity Reports
- Monitoring to Review Disputed Information, Providing Evidence for the Court, if Necessary

#### **Interactive Website:**

- Design, support and host informative website
- On-line claims submission using our proprietary electronic filing service





## **Technical Approach**

CAC Services begins by researching the product that is the subject of the Class Action to better understand how it relates to a population; including how and where it is used. In looking at these details, CAC Services Group can determine the demographic characteristics of the affected Class Members, as well as, where, geographically, the affected Class Members may reside. These details help shape the scope (how large) and type of media outlets best suited to reach unknown Class Members.

- ❖ Product information, provided by the client, is reviewed in order to create a demographic profile. Media selections are based off this profile in order to ensure an accurate estimate of Reach and Frequency of the Publication Notice.
- ❖ Paid media outlets are evaluated to for their effectiveness at reaching the target audience. Media outlets considered can be newsprint, television, radio, consumer magazines, internet, or other outlets.
- ❖ Publications are analyzed using syndicated data sources and tools, such as MediaMark Research.
- ❖ The geographic distribution of the product is examined in order to determine the sufficiency of the geographic coverage.
- ❖ Selection of media outlets not only requires them to be effective at reaching the target audience, but they must also be cost-effective and timely to meet established requirements.
- ❖ Published notices are reviewed to ensure they meet “plain language” requirements.
- ❖ In placing advertisements, discounted rates are negotiated, as well as, working to secure optimum ad placements.
- ❖ An earned media program is designed and implemented as a supporting element to the already established paid media program.
- ❖ A web site is designed and implemented providing Class Members access to all relevant information about the Proposed Class Action Settlement.
- ❖ Advice is provided, along with affidavits, depositions and court testimony with respect to the design and implementation of the notice program.



## **Class Definition**

The parties in *In Re: CertainTeed Corporation Roofing Shingles Products Liability Litigation*, MDL No. 1817, agree that certification of a settlement class (hereinafter the "Class Members") defined as follows is appropriate:

All individuals and entities that own, as December 15, 2009, homes, residences, buildings, or other structures located in the United States or Canada whose roofs contain or contained roofing shingles made with a felt reinforcement base material that is saturated with asphalt, also known as organic roofing shingles, manufactured by CertainTeed after July 1, 1987; all individuals and entities who previously owned such a building and who, prior to December 15, 2009, sold or transferred the building and at the time of the sale or transfer retained the right to make a claim for the shingles pursuant to a valid documented assignment; and all individuals and entities who owned such a building and who, between August 1, 2006, and the effective date of the settlement have settled or settle their warranty claims for such shingles.



## **Notice Plan Overview**

This notice plan is submitted by CAC Services Group in connection with *In Re: CertainTeed Corporation Roofing Shingles Products Liability Litigation*, MDL No. 1817, pending in the Eastern District of Pennsylvania before the Honorable Louis H. Pollack. The plan sets forth procedures that will provide notice of the CertainTeed Proposed Class Action Settlement consistent with the requirements set forth in Rule 23 of the Federal Rules of Civil Procedure. This notice program is directed to all members of the Settlement Class.

Based upon information provided by both plaintiffs' counsel and defense counsel, the results of research on the Settlement Class members, and the results of research on the media habits of the target audiences, CAC devised the following four-part notice program:

- (1) Direct notice by first-class mail to:
  - all Class members whose names and addresses are readily identifiable;
  - all callers to the toll-free information line who request a Notice of Proposed Class Action Settlement as a result of seeing the publication notice.
- (2) Broad published notice through the use of paid media, including newspaper supplements, cable television, internet advertising, and trade journals.
  - Paid media notice consists of four targeted geographical areas:
    - ✓ National;
    - ✓ US Heavy Sales Region 1;
    - ✓ US Heavy Sales Region 2; and
    - ✓ Canadian
- (3) Earned media notice through a press release sent to major U.S. and Canadian print and electronic outlets and third-party organizations.
- (4) Electronic notice through a dedicated case website.



## **Direct Notice**

The direct mail notice package will consist of mailing the *Notice of Proposed Class Action Settlement* and *Proof of Claim Form* to readily identifiable Settlement Class members. It will inform them of their legal rights and how they may participate in or opt-out of the class action. The direct mail notice package will be sent to the following:

❖ Identifiable Individual Class Members:

- warranty claimants identified by CertainTeed;
- individuals who have settled a warranty claim with CertainTeed regarding organic roofing shingles between August 1, 2006, and the effective date of the settlement ("Releasors"), identified by CertainTeed;
- individuals who have contacted CertainTeed or class counsel during the pendency of the litigation;
- settlement Class Members identified by MDL Class Counsel.

❖ Entities as Class Members:

- all entities, located in the concentration of CertainTeed's organic shingle sales area, who likely have properties under management that have used organic shingles, such as townhouse and condominium associations;
- all entities, located in the concentration of CertainTeed's organic shingle sales area, who likely have provided and/or installed organic shingles and are in daily contact with Class Members, such as, U.S. single home manufacturers and U.S. roofing and siding companies.

❖ Callers to the Toll-Free Phone Number:

- all callers to the toll-free information line who request the Notice of Proposed Class Action Settlement and Proof of Claim Form will be mailed the notice package. The toll-free number will be displayed in bold in all forms of the publication notice.



## **Development of the Paid Media Notice**

CAC's notice plan directed to the unidentified Class Members: (1) identifies the Class Member demographics, thereby establishing a target audience; (2) details the methods used in selecting the media elements and how they relate to product usage or exposure; and (3) provides results that quantify for the court the adequacy of the notice based upon recognized tools of media measurement.

In the wake of the Supreme Court's decisions in *Daubert v Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), and *Kumho Tire Company v. Carmichael*, 526 U.S. 137 (1999), the reliability of a notice expert's testimony should be tested against the standards developed within the media industry for determining whether, to what degree, and at what frequency a target audience has been reached. In assessing the expert's reliability, the court must determine whether the testifying expert "employs in the courtroom the same level of intellectual rigor that characterizes the practice of an expert in the relevant field," (526 U.S. at 152). That showing would likely require evidence that the expert's data and methodology are similar to that used by professionals in the relevant field.

In keeping with the *Daubert* and *Kumho* rulings, CAC employs the methodology and measurement tools used in the media planning and advertising industry for designing and measuring the adequacy of a paid media program to reach a particular audience.

Choosing a target audience encompassing the characteristics of the Class Members is the first step in designing the paid media program. Media vehicles are chosen based on their ability to provide effective and cost efficient reach among the target audience. The selected media vehicles are then measured against the target audience to establish the *reach* of the media program and the *frequency* of exposure to the media vehicles. *Reach* and *frequency* estimates are two of the primary measurements used to quantify the media penetration of a target audience.

- *Reach* is the estimated percentage of a target audience reached one or more times through a specific media vehicle or combination of media vehicles within a given period.
- *Frequency* is the estimated average number of times an audience is exposed to an advertising vehicle carrying the message within a given period of time.



## **Target Audiences**

As homeowners make up the majority of organic shingle users, CAC Services Group developed a profile of the demographics and media habits of homeowners. In doing so, CAC analyzed syndicated data available from the 2009 Doublebase Survey<sup>1</sup> conducted by MediaMark Research, Inc. ("MRI") and data available from The Nielson Company (AC Nielson).

MRI is the leading U.S. supplier of multimedia audience research. As a nationally accredited research firm, it provides information to magazines, television, radio, internet and other media, leading national advertisers and over 450 advertising agencies – including 90 of the top 100 in the United States. MRI's nationally syndicated data is widely used as the basis for the majority of the media and marketing plans written for advertised brands in the United States.

Specifically, MRI provides data on audience size, composition and other relevant factors pertaining to major media vehicles. MRI presents a single-source measurement of major media, products, services and in-depth consumer demographic and lifestyle characteristics.

ACNielsen is a global marketing research firm, with worldwide headquarters in New York City. The company was founded in 1923 in Chicago, Illinois, by Arthur C. Nielsen, Sr., in order to give marketers reliable and objective information on the impact of marketing and sales programs. One of ACNielsen's best known creations is the Nielsen Ratings, which measure television, radio and newspaper audiences in their respective media markets. In 1950 they began attaching recording devices to a statistical sample of about 1200 consumer television sets in the U.S. These devices used photographic film in mail-in cartridges to record the channels viewed by the consumer and thus determine audience size. Later, they developed electronic methods of data collection and transmission.

Data available from The Nielson Company was used to develop the paid media portion of this plan, specifically with regard to the cable and local television broadcasts. The Neilson Company data was used to determine how best to target the homeowner market with television advertising.

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<sup>1</sup> This study conducted has been conducted since 1979, and surveys persons 18 years of age and older in the contiguous 48 states. MRI conducts more than 26,000 personal interviews with consumers in two waves annually each lasting six months and consisting of 13,000 interviews. Produced annually by MRI, the Doublebase study consists of two full years of data drawn from over 50,000 respondents. Consumer information is recorded on 500 product/service categories, 6,000 brands and various lifestyle activities. Respondents are selected based on the ability to project their responses nationally.





## *Demographics*

The following chart outlines the overall demographics of the target audience:

Regional Demographics	Homeowners
<b>Sex</b>	
Men	48.2%
Women	51.8%
<b>Age</b>	
18-24	8.5%
25-34	15.0%
35-44	20.1%
45-54	22.3%
55-64	15.8%
65+	18.4%
<b>Education</b>	
Graduated or Attended College	56.0%
Graduated High School	34.1%
<b>Household Income</b>	
Under \$10,000	1.4%
\$10,000 - \$29,000	13.4%
\$30,000 - \$49,000	19.0%
\$50,000 - \$74,000	23.3%
Over \$75,000	43.0%
<b>Ethnicity</b>	
Caucasian	88.8%
African-American	6.2%
Hispanic	4.6%
Asian	1.1%
<b>Location<sup>2</sup></b>	
A & B Counties	60.9%
C & D Counties	39.1%

<sup>2</sup> "A" Counties, as defined by A.C. Nielsen Company, are all counties belonging to the 25 largest metropolitan areas. These metro areas correspond to the MSA (Metropolitan Statistical Area) and include the largest cities and consolidated areas in the United States. "B" Counties are all counties not included under "A" that are either over 150,000 in population or are in a metro area over 150,000 in population according to the latest census. "C" Counties are all counties not included under "A" or "B" that either have over 40,000 in population or are in a metropolitan area of over 40,000 in population according to the latest census. D Counties are rural counties.



## ***Paid Media Program Details***

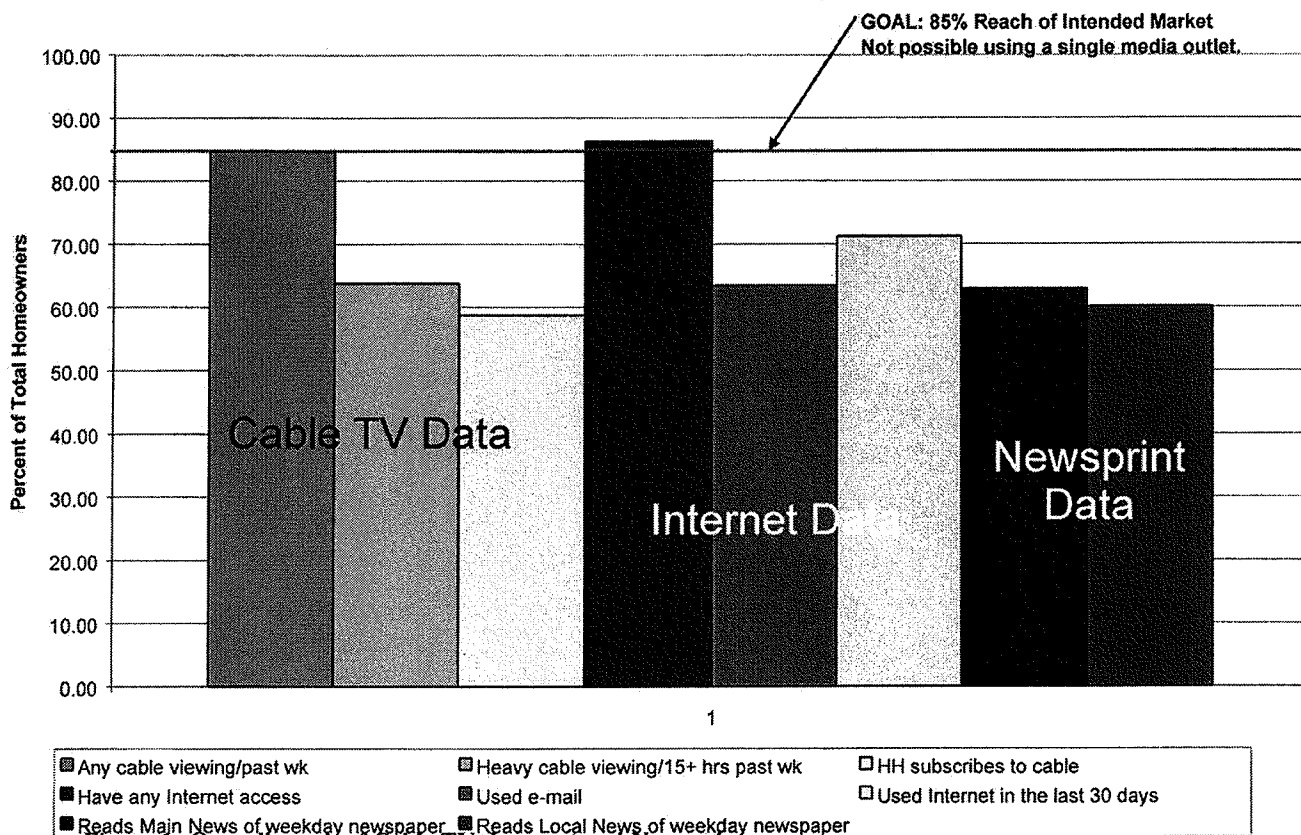
In order to reach unidentifiable Class Members, CAC Services Group recommends advertising by taking advantage of measureable paid media outlets. By using paid media, the advertisement is guaranteed to appear, with full control of content, timing and positioning of the message; ultimately making a valuable impact on the target audience. Newspapers, television, radio, consumer magazines and the internet all offer paid media opportunities.

In determining which paid media outlets to use for this case, CAC Services Group evaluated the potential reach, the number of exposure opportunities, and the cost-effectiveness of each outlet. Cable television was selected because of its low-cost and heavy usage by Class Members. Print media was selected because of its wide-spread use and ability to act as a sole source of credible information, due to the amount of information that can be presented. Internet advertising was selected because of its availability to nearly all of the Class Members and its ability to act as either a sole source or secondary source of information.

A broad, over-reaching print media, including consumer magazines, was not selected as a result of its high cost, low usage by Class Members (in comparison to Cable TV), and long lead time for implementation.

Given the very broad scope of the Class Members' demographics and media habits, CAC Services Group is recommending newsprint supplements, cable television, local television, and internet advertising to reach unidentified Class Members. See Figure 1, shown below, which demonstrates the overall reach these media outlets.

**Overall Reach: TV, Internet, Newsprint**



**Figure 1: Overall reach of Cable TV, Internet and Newsprint.**





Additionally, CAC examined CertainTeed's organic shingle sales data and developed a paid media notice plan that takes into consideration the geographic areas, where the majority of CertainTeed's organic shingles were sold. This effort is designed to more cost-efficiently provide *effective* notice to as many Class Members as possible. Specifically, the media plan consists of four parts corresponding to four geographic areas. The four geographic areas are as follows:

- National Region
  - ✓ Consists of the lower 48 contiguous U.S. states and encompasses 100% of CertainTeed's U.S. organic shingle sales.
- U.S. Heavy Sales Region 1
  - ✓ Consists of the six U.S. states shaded in green below (Michigan, Indiana, Illinois, Nebraska, Minnesota and Wisconsin).
  - ✓ This region encompasses +73% of CertainTeed's U.S. organic shingle sales
- U.S. Heavy Sales Region 2
  - ✓ Consists of the three U.S. states shaded in blue below (North Dakota, South Dakota and Iowa).
  - ✓ This region encompasses +20.5% of CertainTeed's U.S. organic shingle sales.
- Canadian Region
  - ✓ Consists primarily of Winnipeg and Toronto metropolitan areas;
  - ✓ This region encompasses 0.77% of CertainTeed's total organic shingle sales.

These regions are shown in Figure 2, below:

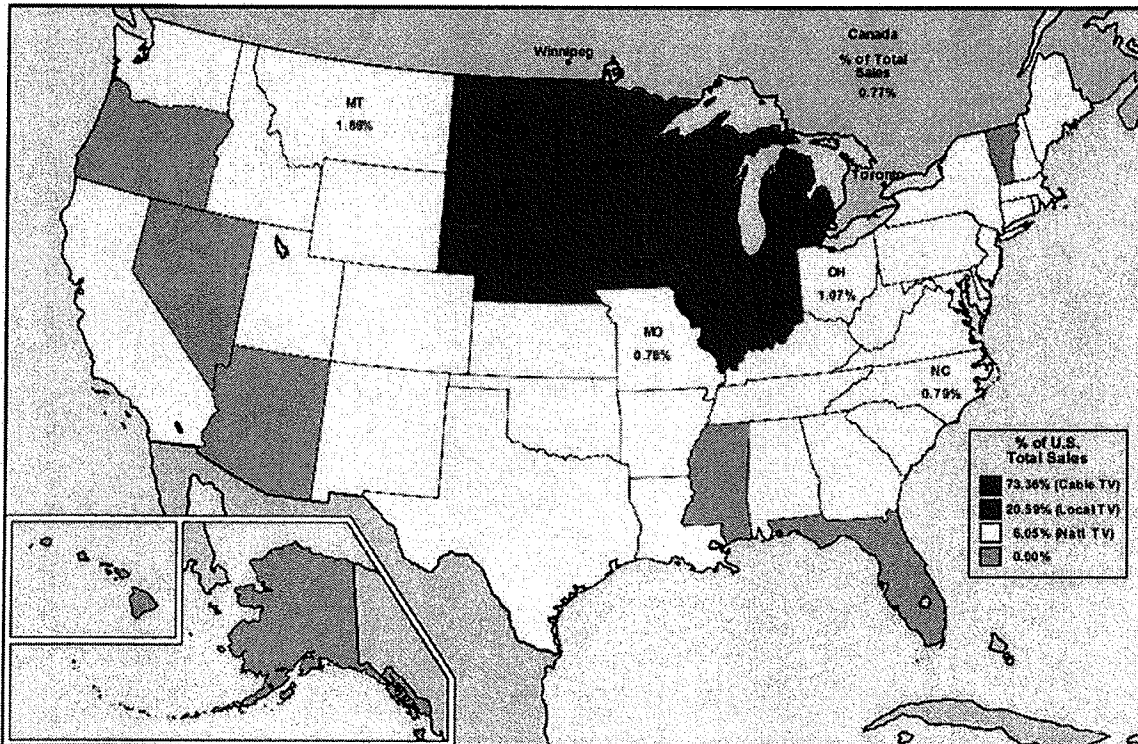


Figure 2: Delivery of Paid Media notice over four geographic areas.

It should be noted that the mix of paid media outlets varies depending upon the geographic area. The details for each area are provided in the "Readership/Viewership" and "Media Delivery" portions of this plan.

